

U.S. DISTRICT COURT
FILED AT WHEELING, WV

NOV 14 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

NORTHERN DISTRICT OF WV
OFFICE OF THE CLERK

MICHAEL PATRICK ROKSANDICH
and KELLY J. ROKSANDICH,

Plaintiffs,

v.

Civil Action No. 5:06CV158
(STAMP)

HLC TRUCKING COMPANY and
DARRELL DWAYNE ASH,

Defendants.

ORDER VACATING MOTION HEARING

On November 14, 2007, this Court was advised by plaintiffs' counsel and defense counsel that the dispute that was the subject of defendants' motion to extend discovery for the sole purpose of collecting undisclosed records has been resolved. The Court was further advised that the parties intend to file a stipulation providing for the collection of medical records from Dr. Cercone by the defendants outside of the time for discovery. Accordingly, this Court finds that defendants' motion to extend discovery for the sole purpose of collecting undisclosed records is MOOT and that a hearing on that motion is unnecessary. Thus, the motion hearing scheduled in this case for November 14, 2007 at 2:15 p.m is hereby VACATED.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein.

DATED: November 14, 2007

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE